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VIA EMAIL

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January 13, 2014

National Freedom of Information Officer
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2822T)
Washington, DC 20460
E-MAIL: foia_hq@epa.gov

**Re: Freedom of Information Act (FOIA) Request Mr. Dennis Hammond's
1987 Land Rover Defender; VIN SALLDHMV7BA301364; CBP Fines Penalties
& Forfeitures Case No. 2013-5204-000202-01**

To EPA FOIA Officer:

This law firm represents Mr. Dennis Hammond, the owner of a 1987 Land Rover Defender ("Defender") that was detained and seized by U.S. Customs and Border Protection (CBP) agents on about September 16, 2013. CBP is tracking this seizure under Seizure No. 2013-SZ0118592-01 and Customs Fines, Penalties & Forfeitures Case No. 2013-5204-000202-01. The Defender was previously subject to detention by West Palm Beach CBP port officials under Detention No. 700414. We understand that the Defender was seized for alleged violations of U.S. Department of Transportation (DOT) and/or U.S. Environmental Protection Agency (EPA) requirements. Subsequent to its seizure, we understand that DOT and/or EPA, and/or CPB conducted inspections of the Defender to determine whether a legal basis existed to interfere with Mr. Hammond's effort to possess the Defender which he purchased in this county and which he had registered in Florida.

Pursuant to 6 C.F.R. § 5 and the FOIA, 5 U.S.C. § 552, we hereby respectfully request copies of all records in connection with the detention and seizure of the subject vehicle, including but not limited to:

1. CBP's detention notice, including any notations of Customs, DOT, or EPA personnel; which are in your possession, custody, or control;
2. Unredacted SAS report, SEACATS screen-prints, and CBPF 6051 seizure notice; and
3. Any and all reports, notes, writings, photographs, videos, or other tangible written, photographic, or video records relating to the detention and seizure of the Land Rover Defender which are in the possession, custody, or control of DOT, including, without limitation, inspection report(s) and work papers prepared by the DOT, EPA, and/or CBP regarding the characteristics,

functioning, and marking of the subject Land Rover Defender that pertain to its qualifications for import into, and use in, the United States.

The requested documents relate to the detention and seizure of a vehicle owned by our client. The requested information is not subject to any specific FOIA exemption and no reasonable grounds exist for withholding the information. 5 U.S.C. § 552(a)(4)(F). In accordance with President Obama's January 2009 FOIA Memorandum which instructed that all federal agencies should adopt a "presumption in favor of disclosure ... applied to all decisions involving FOIA" and U.S. Attorney General FOIA Guidelines directing agencies to make presumptions in favor of disclosing, rather than withholding, requested records (74 Fed. Reg. 49,892 (Sept. 29, 2009)), all of the requested records should be released. Nevertheless, should it be determined that any of the material included in the items requested above are exempt from disclosure, we request that DOT state with particularity the substance of the deleted or withheld material and all reasons justifying non-disclosure.

A previous FOIA request was submitted to Ms. Jeannie Perez in CBP's offices at 6601 NW 25th Street, Suite 203 Miami Florida, 33122-3215 on September 24, 2013. Unfortunately, no response to that FOIA request has been received. Ms. Perez may have much of the requested information concerning the Defender's inspection in her files which may expedite your search. She may be reached at: (305) 717-4950 (direct)/(305) 869-2870 (mail)/(309)869-2894 (fax).

Please call me should you have any questions about the records being requested. Please return the requested records to the following address:

The Federal Practice Group
Attn: Eric Montalvo, Esq.
1150 Connecticut Avenue, N.W., Suite 900
Washington, DC 20036

We request that you provide us with a written response within twenty (20) working days from receipt hereof. Please also provide a letter of acknowledgement with an initial request number upon receipt of this request. We agree to pay the reasonable charges for actual search time and copying fees as provided in the Regulations, not to exceed \$500.00. Should it appear that the charges will exceed \$500.00, please contact me.

Thank you for your attention and assistance in this matter. Please contact me if you have any questions.

Very truly yours,



Eric Montalvo